

**United States Agency for International Development Guyana
Trade and Investment Support Project
(USAID GTIS)**

in cooperation with

**Forest Products Development and Marketing Council
(FPDMC)**

Invitation for Bids/ Proposals

**Invitation is open to both commercial and non commercial
entities/organizations/bodies**

The Review of Guyana's Legality Assurance System

Terms of Reference and Background Information

3 November 2010

1.0 Background /Context

Enforcement of forest laws and verification of the legality of forest produce have always constituted an integral part of Guyana's national forest programme. Efforts have been undertaken to ensure that legality is maintained at a high level. These include: the implementation of a Code of Practice for Harvesting Operations, a national log tagging and tracking system, as well as concession level and environmental monitoring through the Guyana Forestry Commission's (GFC's) offices. These mechanisms are not solely owing to the requirements outlined in the relevant forest legislation, but also, due to the social, economic and environmental obligations, arising as a consequence of having distinguished the benefits arising from legal verification of forest produce. Legality directly influences whether utilization of forest produce goes to the right beneficiaries, stabilization of market prices, maintenance of a low rate of deforestation and forest degradation, ensuring the sustainable development of forest dependent communities including vulnerable indigenous groups, and alleviating climate change impacts in a REDD+ framework.

The Government of Guyana has coordinated, through partnerships with the Forest Products Development and Marketing Council (FPDMC), the Guyana Forest Commission (GFC), the Forestry Training Center Inc. (FTCI), and private sector stakeholders, the development of a system through which legality could be verified along the chain of custody. To this end, these partners contracted in June 2006 the services of an international firm specializing in forest legality systems – Proforest. The ToR for that engagement required the development and field-testing of an independent, transparent and suitable timber legality system for Guyana's forestry sector. The result was the proposal for the Guyana Legality Assurance System (LAS).

The LAS currently exists as a Draft Standard developed by the Guyana National Bureau of Standards (GNBS) with the objective of exploring the possibility of creating a mandatory system of FMO¹ level compliance granted that operators were provided with the required grace periods for attaining full compliance. As a part of the process of creating national standards, a stakeholder group was convened under the auspices of the GNBS. This grouping is officially called the Technical Committee – Wood Products.² The LAS has been the basis of engaging with relevant partners as the GFC advances its efforts in conducting Independent Forest Monitoring drawing on the main aspects of the LAS, and also exploring the possibility of being part of an international system(s) of legality and verification, including the European Union, through its FLEGT Process. This forms part of Guyana's ongoing efforts to continually improve forest law enforcement and, legality as a whole, in the sector.

Since the original engagement, Guyana's forestry sector has evolved. The Governments' of Guyana and Norway have signed a Memorandum of Understanding which outlines the establishment of a system for Independent Forest Monitoring (IFM) and commencing dialogues with EU FLEGT as activities to be completed in the 2009 – 2010 period. Neither of these systems will replace the LAS. Rather, the LAS will be implemented by the FPDMC Board: its operations will be subject to review by Independent Verifiers, and it will allow for company/concession/wood processing entity level verification that can then be used for a variety of purposes, including as a marketing tool by these entities; it can also help companies who wish to take a phased approach to partaking in later voluntary Internationally recognized and credible Forest Certification processes.

2.0 Objective of the ToR for LAS

The Guyana Legality Assurance System was designed to develop a mechanism through which legal and illegally sourced and/or produced logs (includes Roundwood – Piles, Poles and Posts) and lumber will be reliably distinguished. Its focal point is ensuring that only legal timber moves through the supply chains to the final point of local sale or export. The LAS will be developed in such a way that provides for the intricacies of Guyana's situation of natural resource management that will generally be in consonance with international standards for legality. It will focus on ensuring the entire spectrum of forest operators as covered in this ToR, are in compliance with the criteria for establishing legality.

The Terms of Reference is an essential part of the process of preparing for the formal implementation of the LAS. It will help to determine if any gaps exist in the current LAS exist, and if so, suggestions on recommendations that may be implemented to address these in a revision of the LAS draft.

The principal activity of the ToR will therefore aim at the revision of the existing LAS draft standard, in conjunction with the indicatives outlined above and with respect to each of the criterion for legality determination presently organized into the following groupings in the Draft:

- Legal compliance of TSAs and WCLs
- Legal compliance of SFPs
- Legal compliance of Amerindian Villages
- Legal compliance for agricultural or mining property owners
- Chain of custody

It will entail the conducting of an assessment of the legality systems which will then inform revising the draft document with the relevant assistance from and consultations with the FPDMC Board of Directors,

¹ FMO – Forest Management Organization

¹ Membership of the Technical Committee – Wood Products: Guyana Forestry Commission, Forest Products Development and Marketing Council, Georgetown Chambers of Commerce, Private Forest Operators, Environmental Protection Agency, Forest Products Association, Guyana Geology and Mine Commission, Guyana Trade and Investment Support, University of Guyana, Ministry of Agriculture, Ministry of Amerindian Affairs, Ministry of Labour and Human Services and the Guyana National Bureau of Standards.

the Guyana Forestry Commission and its collaborative partners and relevant stakeholder groups including the Technical Committee – Wood Products, and the Forest Products Association (FPA).

3.0 Stakeholders

3.1 Stakeholders Involvement

The initial stages of the LAS development in 2006 included the participation of key stakeholders. Subsequently, when the GNBS convened, a panel of key stakeholders comprised the Technical Committee responsible for the creation of the draft national standard. The Technical Committee, the FPDMC Board, the FPA and the GFC will be continuously updated on progress and developments regarding the revision efforts, and will give strategic guidance on the overall process.

The FPDMC Board has been identified as the lead entity for this initiative and will work in close collaboration with the FPA, GFC, and the GNBS Technical Committee towards its revision and subsequent implementation.

4. Reporting

The Consultant will be reporting on technical matters and deliverables simultaneously to the FPDMC Board of Directors through the Chair of the FPDMC Board, Mr. Geoffrey DaSilva; and to the USAID GTIS project through the Chief of Party (COP), Mr. Patrick Henry. On administrative matters, the consultant will report to the COP, USAID GTIS. All consultations and reports emanating from technical consultations are to be coordinated and reviewed by the Chairman of the FPDMC Board of Directors and the COP together. After initial consultations and reviewing by all relevant stakeholders, the FPDMC Board will review all feedback received.

The structure of the main Report in the form of a Table of Contents is required to be submitted to the Chairman, FPDMC's Board and the COP, USAID GTIS prior to the completion of the initial assessment, for approval. All background materials are to be retained.

Within three weeks of completion of a mission visit, the Assessment Report is required to be submitted to the Chairman, FPDMC's Board and the COP USAID GTIS. The report must include a matrix that outlines the strengths and weaknesses of the LAS and recommendations to improve the system in the revision.

| The FPDMC Board is responsible for approving all deliverables and technical reports under this contract. Final approval of both technical and administrative deliverables rests with the COP of USAID GTIS in consultation with the FPDMC Board under this contract.

4.1 Products/deliverables

The following are the main deliverables and products of the engagement:

1. Assessment Report including recommendations for revision of the draft LAS standard (**Indicative Date: January 15, 2010**)
2. Supporting documents to reports, including Field assessments documents. (**Indicative Dates: to correspond with dates of Report submission**)
3. Draft of Revised Guyana Legality Assurance System which should reflect the comments made on the Assessment Report of relevant stakeholder groups (**Indicative Date: January 15, 2010**)

5. The Subcontractors' Profile

The Subcontractor is expected to have at least an advanced degree in Forestry/Forest Management/ Forest Policy, Forest/Environmental Law, Natural Resources Management, or related field, with extensive experience in forest monitoring and assessment of legal compliance and in monitoring these across all drivers of deforestation and forest degradation. Familiarity with issues relating or relevant to forestry in Guyana would be an added advantage.

Candidate must possess excellent oral and written English communication skills. Candidate must possess a demonstrated ability to work with a range of stakeholders and in relating monitoring activities to the appropriateness of different country environments.

The bidding process is open for all institutions with relevant capacities, including not-for-profit and academic and research institutions

6. Application Process

Interested organization or institutions should:

- Submit a 5-10 page technical proposal project proposal marked TECHNICAL PROPOSAL
- Submit a 2 page cost proposal in United States Dollars including level of effort, other direct costs such as flights and per diems, priced in accordance with USAID regulations, and total fees marked COST PROPOSAL
- Cost proposal is not to exceed 50,000 USD
- Proposals are due by 1300 hour on 21 November 2010. Proposal after that time will not be considered.
- Proposal should be addressed to;

Mr. Patrick Henry
COP USAID GTIS
55 Main Street
Georgetown
Guyana, South America

Or email in PDF format to: phenry@carana.com

- USAID GTIS is not responsible for delays in shipping proposals to Guyana nor is it responsible for the internet not functioning on the final day of proposal submission.

The proposals will be evaluated by USAID GTIS and FPDMC according to international standards for competitive bidding and US Government Federal Acquisition Regulations rules and procedures regarding tendering processes and the national procurement laws of Guyana. The evaluation criteria for the proposals are provided below. Following the selection process, the chosen organization will report to the FPDMC Board on technical matters and USAID GTIS on technical, financial and administrative matters.

The Proposal should specifically cover:

- Proposed methodology to undertake the services as specified in this TOR
- The fees and business conditions associated with the implementation of the services as specified in this TOR
- Timeline

- The team undertaking the work (if such is the case) including the CV's of all members
- In an appendix, the experience/resources you would bring to the project. Applicants are expected to provide named references with proven implementation and business experience in the terms of reference outlined. This appendix should cover your organization's previous work experience, as well as work relating to this area.
- Proposals must be submitted in English and costs must be quoted in US dollars.

Evaluation Criteria:

- Technical strength and credibility of proposal in meeting required generally accepted international guidelines and standards of legality verification systems in the timber industry. (50 points).
- Experience of the Provider in legality verification systems, chain of custody systems, independent forest monitoring and in initiatives with tropical forested countries (30 points).
- Cost Considerations and efficiency of approach (10 points).
- Assessment of quality assurance proposal (10 points).

DEADLINE: Proposals should be received no later than 1300 hours on November 26, 2010 Project commencement is expected to start on December 15, 2010.